

STATE BOARD OF EQUALIZATION

450 N STREET, SACRAMENTO, CALIFORNIA PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0080 (916) 322-2270 • FAX (916) 324-3984 www.boe.ca.gov

First District, San Francisco

SEN, GEORGE RUNNER (RET.) Second District, Lancaster

MICHELLE STEEL Third District, Orange County

JEROME E. HORTON

JOHN CHIANG State Controller

CYNTHIA BRIDGES

Fourth District, Los Angeles

Executive Director

STATE BOARD OF EQUALIZATION MEETING 450 N Street, Room 121, Sacramento

PRELIMINARY RECORD OF BOARD ACTION

Thursday, May 22, 2014

The following is a preliminary record of Board actions taken at the May 22, 2014 Sacramento Board Meeting. This is not an official record and is subject to correction or modification. The official record of the Board's actions is the minutes of the Board, which will be adopted at a subsequent meeting.

The Board's decision reflects only the issues resolved by the Board at the meeting. Issues resolved prior to the meeting are not reflected in this document.

If you would like specific information regarding items on this Preliminary Record of Board Action, please telephone Claudia Madrigal at 916-322-1931 or email: Claudia.Madrigal@boe.ca.gov. Please be advised that material containing confidential taxpayer information cannot be publicly disclosed.

Board Committee Meetings - Please see Page 13, O., Adoption of Board Committee Reports and Approval of Committee Actions, for voting results.

Board Meeting

State-Assessed Properties Value Setting

Property Tax Matter - 'CF'

Electric Generation Facilities SBE Company Nos. 1100-1199

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent items.	Ms. Steel	Yes – except not participating in SBE Company No. 1126
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for non-consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Energy Companies SBE Company Nos. 100-199

DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes
DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for non-consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Pipeline Companies SBE Company Nos. 400-499

DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent items.	Ms. Steel	Yes – except not participating in SBE Company Nos. 429, 465, 467, 469, 476, 479, 486, 488, and 489
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for non-consent items.	Ms. Steel	Yes – except not participating in SBE Company No. 480
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Railroad Companies SBE Company Nos. 800-899

DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes
DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for non-consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Interexchange Telephone Companies SBE Company Nos. 2000-2499 and 7500-8999

OBE Company	1105. 2000-2499 and 7500	1 0000
<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes
DECISION	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for non-consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Wireless Telephone Companies SBE Company Nos. 2500-3999

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations for consent	Ms. Steel	Yes
items.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes
DECISION	MEMBED	POARD VOTE
DECISION	<u>MEMBER</u>	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Approved Staff Value Recommendations for non-consent		
Approved Staff Value	Mr. Horton	Absent
Approved Staff Value Recommendations for non-consent	Mr. Horton Ms. Steel	Absent Yes

Local Exchange Telephone Companies SBE Company Nos. 200-399

Mr. Chiang

<u>DECISION</u>	MEMBER	BOARD VOTE
Approved Staff Value	Mr. Horton	Absent
Recommendations.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang	Yes

Yes

Special Presentations

2012-2013 Employee Recognition Award Program

Board Member Annual Photograph

A. Homeowner and Renter Property Tax Assistance Appeals Hearings There are no items for this matter.

B. Corporate Franchise and Personal Income Tax Appeals Hearings

B1. Joseph W. Valva and Marilyn K. Valva, 719017

B2. Graeme Kling and Lora Kling, 612775

C. Sales and Use Tax Appeals Hearings

C1. James J. Barbera, Jr., 526563, 526564, 526565 (BH)

DECISION	<u>MEMBER</u>	BOARD VOTE
Taxpayer's petition partially	Mr. Horton	Yes
granted/denied.	Ms. Steel	Yes
The Board deleted the negligence	Mr. Runner	Yes
penalty.	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

C2. Hukilau San Francisco, LLC, 533841 (BH)

C3. GEO G2 Solutions, Inc., 563641 (UT)

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Taxpayer's petition denied.	Mr. Horton	Yes
	Ms. Steel	No
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

There are no items for the following matters:

- D. Special Taxes Appeals Hearings
- E. Property Tax Appeals Hearings

F. Public Hearings

- F1. Business Taxpayers' Bill of Rights Hearings
- F2. Property Taxpayers' Bill of Rights Hearings

F3. Proposed Adoption of Amendments to Rule 133, Business Inventory Exemption

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Adopted as published.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

G. Tax Program Nonappearance Matters – Consent

G1. Legal Appeals Matters

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Hearing Notices Sent No Response
 - 1. Alvin Wireless, Inc., 527727 (GH)
 - 2. Bernie Chong, 564370 (GH)
 - 3. McKinney Griff., Inc., 607201 (CH)
- Petitions for Release of Seized Property
 - Dhami JS Corporation, Inc., 781906 (STF)
 - 5. Roy's Liquor & Market, Inc., 781908 (STF)
 - 6. Silverhawk, Inc., 781525 (STF)
 - 7. Patricia Anne E. Bailey and Louis Edward Snider, 781528 (STF)
- Petitions for Rehearing
 - 8. Monarch Consulting, Inc., 525103 (STF)

G2. Franchise and Income Tax Matters

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
No final determination on	Ms. Steel	Yes
sub-item 31.	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Hearing Notices Sent No Response
 - 1. April Mottahedeh, 599752
- Decisions
 - 2. Tony Aguilar, 738702
 - 3. Scott Ambrose and Wendy Ambrose, 676541
 - Christine Asnaran, 660078
 - 5. William C. Burns and Linda Converse-Burns, 742213
 - 6. California Creative Foods, Inc., 595861
 - 7. Manuel De La Torre, 739089
 - 8. Jonie B. Dodgens, 716520
 - 9. Joseph D. Funkey and Susan L. Funkey, 577563
 - 10. David Hauber, 711188
 - 11. Sheng-Yu Ko, 603614
 - 12. Thomas A. Lee III, 610609
 - 13. Billie Jo Ann Llenas, 717025
 - 14. Albert H. MacKenzie and Hideko MacKenzie, 606115
 - 15. Carole L. McKee-Livingston (Schnugg) and Mark T. Livingston, 427529

- 16. Gordon C. Merrick and Julie Nikcevich, 573097
- 17. Christopher J. Nelson and Nancy L. Nelson, 613625
- 18. Nestor Nieves and Lucy Nieves, 740002
- 19. Palm Springs Industrial Development, L.P., 673144
- 20. Rachel Raasch, 738585
- 21. Michael Ramsey, 606120
- 22. Brandon W. Ricks, 625450
- 23. Lincoln L. Saul and Maureen E. Saul, 720758
- 24. Joleen Soo, 713619
- 25. Randy Stanley and Stephanie Stanley, 609454
- 26. The Soft Forge, Inc., 717054
- 27. Alvin Tjong, 643681
- 28. Top Vision Development, LLC, 704842
- 29. Didier Tran, 722786
- 30. Bayani B. Villena and Thelma F. Villena, 611230
- Petitions for Rehearing
 - 31. Todd Bentley and Kate Bentley, 593582
 - 32. Greg Karraker, 620604
 - 33. Roslyn Kirk and Willis Kirk, 588344
 - 34. Craig Norton, 693097
- G3. Homeowner and Renter Property Tax Assistance Matters
 There are no items for this matter.

G4. Sales and Use Taxes Matters

DECISION	MEMBER	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-item 7

- Redeterminations
 - 1. Lithographix, Inc., 594527 (AS)
 - 2. D'Anna Yacht Center, Inc., 627009 (CH)
 - TCK United Furniture, Inc., 592711 (KH)
 - 4. Cabwest, LLC, 719315 (OH)
 - Resonetics, Inc., 460706 (OH)
- Relief of Penalty/Interest
 - 6. Gelson's Markets, 796920 (AA)
 - 7. Cemex Construction Materials Pacific, LLC, 796175 (OH)
- Denials of Claims for Refund
 - 8. KCI USA, Inc., 624009 (OH)
 - 9. Union Pacific Railroad Company, 734429 (OH)
 - 10. Cardinal Health 200, Inc., 554616 (OH)
- Grant One-Day Interest Relief
 - 11. Lloyd Curtis Chittock, 796907 (KH)
 - 12. Lloyd Curtis Chittock, 796906 (KH)

G5. Sales and Use Taxes Matters – Credits, Cancellations, and Refunds

DECISION	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-item 18

- Credits and Cancellations
 - 1. Circuit City Stores West Coast, Inc., 809827 (OH)
- Refunds
 - 2. Woodward Hrt, Inc., 484298 (AR)
 - 3. Henkels & Mc-Coy, Inc., 797521 (OH)
 - 4. KCI USA, Inc., 624009 (OH)
 - 5. Rush Truck Leasing, Inc., LSR, 611190 (UT)
 - 6. Coso Junction Store, Inc., 771277 (DF)
 - 7. Irvine Eurocars, LLC, 614406 (EA)
 - 8. Buena Park Eurocars, LLC, 614403 (EA)
 - 9. Long Beach Eurocars, LLC, 614408 (AA)
 - 10. DFS SPV, LLC, 745211 (OH)
 - 11. Union Pacific Railroad Company, 734429 (OH)
 - 12. Cardinal Health 200, Inc., 554616 (OH)
 - 13. Borrego Solar Systems, Inc., 703784 (FH)
 - 14. S & R Architectural Metals, Inc., 786837 (EA)
 - 15. Kern Schools Federal Credit Union, 744162 (DF)
 - 16. TA Operating, LLC, 760078 (OH)
 - 17. Alcatel-Lucent USA, Inc., 735462 (OH)
 - 18. Buena Vista International, Inc., 790242 (OH)

G6. Special Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendation.	Mr. Horton	Yes
	Ms. Steel	Not Participating
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- Denials of Claims for Refund
 - ConocoPhillips Company (STF), 720766

G7. Special Taxes Matters - Credits, Cancellations, and Refunds

DECISION	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes – except not participating in sub-item 2
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes – except not participating in sub-items 3 and 4

- Credits and Cancellations
 - 1. Eagle Energy, Inc., 528233 (STF)
- Refunds
 - 2. ConocoPhillips Company, 710824 (STF)
 - 3. Massachusetts Mutual Life Insurance, Co., 790106 (STF) 'CF'
 - 4. Protective Life Insurance, Co., 790151 (STF) 'CF'

There are no items for the following matters:

- G8. Property Tax Matters
- G9. Cigarette License Fee Matters
- G10. Legal Appeals Property Tax Matters

H. Tax Program Nonappearance Matters – Adjudicatory

- H1. Legal Appeals Matters
 - Cases Heard Not Decided
 - 1. General Industrial Tool & Supply, 281207 (AC)

DECISION	<u>MEMBER</u>	BOARD VOTE
Taxpayer's petition partially	Mr. Horton	Yes
granted/denied.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

H2. Franchise and Income Tax Matters

Decisions

1. Affina Soft, LLC, 609944

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Taxpayers' appeal partially	Mr. Horton	Yes
granted/denied.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

2. Tonja M. Jarrell, 571357

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Taxpayers' appeal partially	Mr. Horton	Yes
granted/denied.	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

3. Gaddam Reddy and Preetha Reddy, 623814

<u>DECISION</u>	MEMBER	BOARD VOTE
Taxpayers' appeal denied.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

Cases Heard Not Decided

4. SC Brokers, Inc., 600519

There are no items for the following matters:

- H3. Homeowner and Renter Property Tax Assistance Matters
- H4. Sales and Use Taxes Matters
- H5. Sales and Use Taxes Matters Credits, Cancellations, and Refunds
- H6. Special Taxes Matters
- H7. Special Taxes Matters Credits, Cancellations, and Refunds
- H8. Property Tax Matters
- H9. Cigarette License Fee Matters
- H10. Legal Appeals Property Tax Matters

I. Tax Program Nonappearance Matters

Property Taxes Matters

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Not Participating

- Audits
 - 1. Kerman Telephone Co. (246) 'CF'
 - 2. Nationwide Telecom, Inc. (8026) 'CF'
 - 3. Callcatchers, Inc. (8113) 'CF'
 - 4. IntelePeer, Inc. (8118) 'CF'
- Land Escaped Assessments
 - 5. AT&T Mobility, LLC (2606) 'CF'
- Board Roll Changes
 - 2010, 2011, 2012 and 2013 Board Rolls of State-Assessed Property 'CF'

12. Offer in Compromise Recommendations

DECISION	MEMBER	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- 1. Ali Altafi
- 2. Mary Teresa Autera
- 3a. Amariit Kaur Badesha
- 3b. Jasvir Badesha
- 4. Luis Galo Biondi
- 5. Jesus Casillas, Jr.
- 6a. Steven Michael Chack
- 6b. Cynthia Diane Kiddoo
- 7. Soo Lei Choi
- 8. Barbara E. Conklin
- 9. Juanito Dakis
- 10a. Alfredo DiNunzio
- 10b. CMR Day Spa, LLC
- 10c. Alfredo, LLC
- 10d. Di Roma, LLC
- 11. Malek Karch
- 12. Boris Khodzhovan
- 13. Camie Lynn Peachy
- 14. Robert Brooks Peterson
- 15a. Victor Castillo Ruiz
- 15b. Maria Adela Ruiz
- 16. Randal Torres
- 17. Westcoast Powercats, Inc.

I3. Local Tax Reallocation Matters
There are no items for this matter.

Chief Counsel Matters

J. Rulemaking

Section 100 Changes

J1. Sales and Use Tax Regulation 1802, Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales and Use Taxes

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendation.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

There are no items for the following matters:

K. Business Taxes

L. Property Taxes

M. Other Chief Counsel Matters

Administrative Session

N. Consent Agenda

<u>DECISION</u>	<u>MEMBER</u>	BOARD VOTE
Approved staff recommendations.	Mr. Horton	Yes
No final determination on Property	Ms. Steel	Yes
Tax Form BOE-571-W, 2015 Wind	Mr. Runner	Yes
Generation Property Statement.	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- N1. Retirement Resolutions
 - John Huk
 - Nancy Pin-Pin Li
- N2. Approval of Board Meeting Minutes
 - April 22, 2014
- N3. Proposed Revisions to the Compliance Policy and Procedures Manual Chapter 5, *Returns*
- N4. Adoption of Property Tax Forms
 - BOE-58-AH Claim for Reassessment Exclusion for Transfer
 Between Parent and Child
 - BOE-58-G
 Claim for Reassessment Exclusion for Transfer From Grandparent to Grandchild
 - BOE-268-B Free Public Library or Free Museum Claim
 - BOE-502-D Change in Ownership Statement—Death of Real Property Owner
 - BOE-571-W 2015 Wind Generation Property Statement
 - BOE-577 Aircraft Property Statement

O. Adoption of Board Committee Reports and Approval of Committee Actions

O1. Legislative Committee – May 22, 2014

MEMBER	BOARD VOTE
Mr. Horton	Yes
Ms. Steel	Yes
Mr. Runner	Yes
Ms. Yee	Yes
Mr. Chiang/ Ms. Mandel	Yes
	Mr. Horton Ms. Steel Mr. Runner Ms. Yee

O2. Customer Service and Administrative Efficiency Committee May 22, 2014

O3. Business Taxes Committee - April 22, 2014

DECISION	MEMBER	BOARD VOTE
Adopted committee report and	Mr. Horton	Yes
approved the actions therein.	Ms. Steel	Yes
For details see:	Mr. Runner	Yes
www.boe.ca.gov/meetings/btc2014	Ms. Yee	Yes
.htm	Mr. Chiang/ Ms. Mandel	Yes

O4. Business Taxes Committee – May 22, 2014

DECISION	<u>MEMBER</u>	BOARD VOTE
Adopted committee report and	Mr. Horton	Yes
approved the actions therein.	Ms. Steel	Yes
For details see:	Mr. Runner	Yes
www.boe.ca.gov/meetings/btc2014	Ms. Yee	Yes
.htm	Mr. Chiang/ Ms. Mandel	Yes

O5. Property Tax Committee – May 22, 2014

DECISION	<u>MEMBER</u>	BOARD VOTE
Adopted committee report and	Mr. Horton	Yes
approved the actions therein.	Ms. Steel	Yes
For details see:	Mr. Runner	Yes
www.boe.ca.gov/proptaxes/ptcwpl	Ms. Yee	Yes
an14.htm	Mr. Chiang/ Ms. Mandel	Yes

P. Other Administrative Matters

- P1. Executive Director's Report
 - 1. Report on time extensions to Del Norte, El Dorado, Lake, Mariposa, Modoc, Tehama, Trinity, and Yuba Counties to complete and submit 2014/15 Local Assessment Roll, pursuant to Revenue and Taxation Code section 155.
 - 2. CROS Project Update
- P2. Chief Counsel Report
 There are no items for this matter.
- P3. Sales and Use Tax Deputy Director's Report
 - Security Deposit Update
- P4. Property and Special Taxes Deputy Director's Report
 - 1. Adoption of 4-R Act Equalization Ratio for 2014/15

DECISION	MEMBER	BOARD VOTE
Approved staff recommendation.	Mr. Horton	Yes
	Ms. Steel	Yes
	Mr. Runner	Yes
	Ms. Yee	Yes
	Mr. Chiang/ Ms. Mandel	Yes

- P5. Administration Deputy Director's Report
 - 1. Expanding Government Services

There are no items for the following matters:

- P6. Technology Deputy Director's Report
- P7. External Affairs Deputy Director's Report

Q. Closed Session